

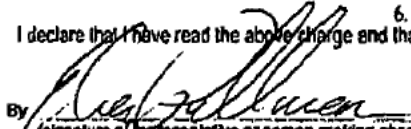
INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3612

DO NOT WRITE IN THIS SPACECase
19-CA-84983Date Filed
7-10-12**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer American Federation of Teachers - Oregon		b. Tel. No. 503-906-3495
		c. Cell No.
		f. Fax No. 503-905-3533
d. Address (Street, city, state, and ZIP code) 7035 SW Hampton St. Tigard, OR 97223	e. Employer Representative (b) (6), (b) (7)(C)	g. e-Mail (b) (6), (b) (7)(C) @aft-oregon.org
		h. Number of workers employed 12
i. Type of Establishment (factory, mine, wholesaler, etc.) Labor Union	j. Identify principal product or service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) and 8(a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On March 28, (b) (6), (b) (7)(C) 2012 the above named employer coerced, restrained and interfered with its employees' exercise of protected activity under the Act. On (b) (6), (b) (7)(C) told union representatives Eben Pullman and Kristen Fitzpatrick that employees could not bring up work load issues through their union representatives and promised retaliation for bringing forward work load issues. On (b) (6), (b) (7)(C) at a staff meeting, (b) (6), (b) (7)(C) directed employees to bring work load issues directly to (b) (6), (b) (7)(C) and not through their union and threatened employees if they continued to engage in protected activity. On (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) protected activity, (b) (6), (b) (7)(C) discriminated against (b) (6), (b) (7)(C) an employee who had engaged in protected activity when (b) (6), (b) (7)(C) had brought forward work load concerns to (b) (6), (b) (7)(C) union representatives, when (b) (6), (b) (7)(C) issued (b) (6), (b) (7)(C) a written verbal warning under the pretextual claim of tardiness on (b) (6), (b) (7)(C).		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Employees Guild		
4a. Address (Street and number, city, state, and ZIP code) 7035 SW Hampton St. Tigard, OR 97223 -or- 3832 NE 67th Ave. Portland, OR 97213		4b. Tel. No. 503-906-3495
		4c. Cell No. 503-819-4086
		4d. Fax No.
		4e. e-Mail epaffor@gmail.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Employees Guild, National Council of AFT Staff Unions		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By  Eben Pullman, Chief Steward (signature of representative or person making charge) (Print/type name and title or office, if any)		Tel. No. 503-906-3495
		Office, if any, Cell No. 503-819-4086
		Fax No.
Address 7035 SW Hampton St. Tigard, OR 97223		e-Mail epaffor@gmail.com
		July 10, 2012 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
601 SW 2ND AVE
STE 1910
PORTLAND, OR 97204-3170

Agency Website: www.nlrb.gov
Telephone: (503)326-3085
Fax: (503)326-5387

July 11, 2012

(b) (6), (b) (7)(C)

AFT - Oregon
7035 SW Hampton St.
Tigard, OR 97223-8313

Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Helena A. Fiorianti whose telephone number is (503)326-3284.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

July 11, 2012

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.


Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

RONALD K. HOOKS
Regional Director

By: 
LINDA L. DAVIDSON
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

American Federation of Teachers - Oregon

CASE NUMBER

19-CA-084983

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC****A. STATE OF INCORPORATION OR FORMATION****B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES****4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)**YES NO**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
601 SW 2ND AVE
STE 1910
PORTLAND, OR 97204-3170

Agency Website: www.nlr.gov
Telephone: (503)326-3085
Fax: (503)326-5387

July 11, 2012

Eben Pullman, Chief Steward
United Employees Guild
7035 SW Hampton St
Tigard, OR 97223-8313

Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear Mr. Pullman:

The charge that you filed in this case on July 10, 2012 has been docketed as case number 19-CA-084983. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney Helena A. Fiorianti whose telephone number is (503)326-3284.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed

July 11, 2012


paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

RONALD K. HOOKS
Regional Director

By: 
LINDA L. DAVIDSON
Officer in Charge

AMENDED

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

19-CA-84983

Date Filed

7-17-12

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

American Federation of Teachers - Oregon

b. Tel. No. (503)906-3495

c. Cell No.

f. Fax No. (503)905-3533

d. Address (Street, city, state, and ZIP code)

7035 SW Hampton Street
Tigard, OR 97223

e. Employer Representative

(b) (6), (b) (7)(C)

g. e-Mail

(b) (6), (b) (7)(C)@aft-oregon.org

h. Number of workers employed
12i. Type of Establishment (factory, mine, wholesaler, etc.)
Labor Organizationj. Identify principal product or service
Representation

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the above-named Employer, by its officers, agents and representatives has refused to bargain with the United Employees' Guild (the Union) about workload issues, directed its employees to speak directly with management about workload issues and not the Union, threatened to retaliate against employees if the Union continued to raise workload issues with management, and has discriminated against employee (b) (6), (b) (7)(C) by issuing (b) (6), (b) (7)(C) a letter of warning in retaliation for the Union raising a workload issue with management on (b) (6), (b) (7)(C) behalf.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
United Employees Guild

4a. Address (Street and number, city, state, and ZIP code)

3832 NE 67th Avenue
Portland, OR 97213

4b. Tel. No. (503) 906-3495

4c. Cell No. (503)819-4096

4d. Fax No.

4e. e-Mail

epaftor@gmail.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
United Employees Guild, National Council of AFT Staff Unions

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(signature of representative or person making charge)

Eben Pullman, Chief Steward

(Print/type name and title or office, if any)

Tel No

(503)906-3495

Office, if any, Cell No.

(503)819-4086

Fax No.

e-Mail

epaftor@gmail.com

Address Same as above

July 17, 2012

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
601 SW 2ND AVE
STE 1910
PORTLAND, OR 97204-3170

Agency Website: www.nlrb.gov
Telephone: (503)326-3085
Fax: (503)326-5387

July 17, 2012

Eben Pullman, Chief Steward
United Employees Guild
7035 SW Hampton St
Tigard, OR 97223-8313

Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear Mr. Pullman:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (503) 326-3284.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

RONALD K. HOOKS
Regional Director

By: 

LINDA L. DAVIDSON
Officer in Charge

Enclosure: Copy of first amended charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
601 SW 2ND AVE
STE 1910
PORTLAND, OR 97204-3170

Agency Website: www.nlrb.gov
Telephone: (503)326-3085
Fax: (503)326-5387

July 17, 2012

(b) (6), (b) (7)(C)

American Federation Of Teachers - Oregon
7035 SW Hampton St
Tigard, OR 97223-8313

Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of the first amended charge that has been filed in this case.


Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (503) 326-3284.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

RONALD K. HOOKS
Regional Director

By: 
LINDA L. DAVIDSON
Officer in Charge

Enclosure: Copy of first amended charge

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
19-CA-084983	9-26-12

INSTRUCTIONS

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer AMERICAN FEDERATION OF TEACHERS - OREGON		b. Tel. No. (503)906-3495
d. Address (street, city, state ZIP code) 7035 SW HAMPTON ST, TIGARD, OR 97223-8313		c. Cell No.
e. Employer Representative (b) (6), (b) (7)(C)		f. Fax No. (503)905-3533
		g. e-Mail (b) (6), (b) (7)(C)@aft-oregon.com
		h. Dispute Location (City and State) Tigard, OR
i. Type of Establishment (factory, nursing home, hotel) Labor Organization	j. Principal Product or Service Representation	k. Number of workers at dispute location 12

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1), (3) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six month, the above-named Employer, by its officers, agents and representatives has:

- 1) Promulgated a rule prohibiting employees from raising workload issues with the United Employees' Guild (the Union);
- 2) directed that employees must speak directly with management about workload issues;
- 3) made an implied threat that employees may lose telework/telecommute opportunities if they failed to follow the Employer's instructions regarding raising workload issues.
- 4) made a threat of unspecified reprisals to employees in response to employees discussing terms and conditions of employment,
- 5) refused to bargain in good faith and/or presented the Union with a *fait accompli* regarding bargaining over workload and telecommuting issues; and
- 6) issued a letter of warning to employee **(b) (6), (b) (7)(C)** in retaliation for the Union raising a workload issue with management on **(b) (6)** behalf.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
UNITED EMPLOYEES GUILD

4a. Address (street and number, city, state, and ZIP code)
7035 SW HAMPTON ST, TIGARD, OR 97223-8313

4b. Tel. No.
(503)906-3495
4c. Cell No.
(503)819-4086
4d. Fax No.
4e. e-Mail **epaftor@gmail.com**

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

United Employees Guild, National Council of AFT Staff Unions

6. DECLARATION

I declare that I have read the above Charge and that the statements are true to the best of my knowledge and belief.

Tel. No.
(503)906-3495

By:

(signature of representative or person making charge)
Address: **7035 SW HAMPTON ST, TIGARD,
OR 97223-8313**

**EBEN PULLMAN, Chief
Steward**

Print Name and Title
Date: **9/26/2012**

Office, if any, Cell No.
(503)819-4086

Fax No.
e-Mail **epaftor@gmail.com**

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
601 SW 2ND AVE
STE 1910
PORTLAND, OR 97204-3170

Agency Website: www.nlrb.gov
Telephone: (503)326-3085
Fax: (503)326-5387

September 26, 2012

(b) (6), (b) (7)(C)

AMERICAN FEDERATION OF TEACHERS - OREGON
7035 SW HAMPTON ST
TIGARD, OR 97223-8313

Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of the second amended charge that has been filed in this case.


Investigator: This charge is being investigated by Field Examiner JESSICA DIETZ whose telephone number is (503) 326-3185.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

RONALD K. HOOKS
Regional Director

By: 
LINDA L. DAVIDSON
Officer in Charge

Enclosure: Copy of second amended charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
601 SW 2ND AVE
STE 1910
PORTLAND, OR 97204-3170

Agency Website: www.nlrb.gov
Telephone: (503)326-3085
Fax: (503)326-5387

September 26, 2012

EBEN PULLMAN, Chief Steward
UNITED EMPLOYEES GUILD
7035 SW HAMPTON ST
TIGARD, OR 97223-8313

Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear Mr. PULLMAN:

We have docketed the second amended charge that you filed in this case.


Investigator: This charge is being investigated by Field Examiner JESSICA DIETZ whose telephone number is (503) 326-3185.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

RONALD K. HOOKS
Regional Director

By: 
LINDA L. DAVIDSON
Officer in Charge

From: Gene Mechanic <gene@mechaniclaw.com>
Sent: Tuesday, October 16, 2012 6:10 PM
To: Dietz, Jessica
Cc: (b) (6), (b) (7)(C)
Subject: 19-CA-084983

Dear Ms. Dietz: I will be representing AFT-Oregon in the above matter and hereby file this notice of appearance. Thank you.

Gene Mechanic
Mechanic Law Firm
210 SW Morrison Street, Suite 500
Portland, Oregon 97204
Tel: 503-384-2070
Cell: 503-314-9763
Fax: 503-894-5022

Admitted to Bars of Oregon, New York, and Florida

This message is only for the use of the individual or entity who is the intended addressee, is confidential, and may contain information that is privileged and exempt from disclosure under applicable law. Unless you are the intended addressee, or are authorized to receive this message for the addressee, you are hereby notified that any dissemination, distribution, or copying of this message, its attachments or any information contained in the message or attachments, is strictly prohibited. If you are not the intended addressee, please advise the sender by telephone at 503-384-2070 and reply e-mail at gene@mechaniclaw.com and delete the message and any attachments.

To ensure compliance with requirements imposed by the IRS, please be advised that, unless otherwise expressly indicated, any federal tax advice contained in this communication was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matter addressed herein.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
601 SW 2ND AVE
STE 1910
PORTLAND, OR 97204-3170

Agency Website: www.nlrb.gov
Telephone: (503)326-3085
Fax: (503)326-5387

September 27, 2012

EBEN PULLMAN, Chief Steward
UNITED EMPLOYEES GUILD
7035 SW HAMPTON ST
TIGARD, OR 97223-8313

Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear Mr. PULLMAN:

We have carefully investigated and considered your charge that AMERICAN FEDERATION OF TEACHERS - OREGON has violated the National Labor Relations Act.

Decision to Partially Dismiss: Based on that investigation, I have decided to dismiss the 8(a)(3) portion of the charge (allegation #6) because there is insufficient evidence to tie the warning to the individual's union activity. All other portions of the charge remain outstanding.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **October 11, 2012**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than **October 10, 2012**.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to


September 27, 2012

www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** October 11, 2012. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

RONALD K. HOOKS
Regional Director

By: 
LINDA L. DAVIDSON
Officer in Charge

Enclosure

cc GENERAL COUNSEL
OFFICE OF APPEALS
FRANKLIN COURT BUILDING
NATIONAL LABOR RELATIONS BOARD
1099 14TH STREET, NW
WASHINGTON, DC 20570

(b) (6), (b) (7)(C)

AMERICAN FEDERATION OF TEACHERS - OREGON
7035 SW HAMPTON ST
TIGARD, OR 97223-8313

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
Room 8820, 1099 - 14th Street, N.W.
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

October 16, 2012

LANE TOENSMEIER, ESQ.
SNYDER AND HOAG, LLC
3759 NE MLK JR BLVD
PORTLAND, OR 97212

Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear Mr. Toensmeier:

Receipt of your appeal in the above matter is acknowledged. Upon receipt of the investigative file from the Regional Director, the appeal will be assigned for processing. You may be assured your appeal will receive careful consideration and that you and all interested parties will be advised, as soon as possible, of our decision.

Sincerely,

Lafe E. Solomon
Acting General Counsel

By:

A handwritten signature in black ink that reads "Yvonne T. Dixon". The signature is written in a cursive style.

Yvonne T. Dixon, Director
Office of Appeals

cc: RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
915 2ND AVE RM 2948
SEATTLE, WA 98174

EBEN PULLMAN, CHIEF STEWARD
UNITED EMPLOYEES GUILD
70365 SW HAMPTON ST
TIGARD, OR 97223-8313

vrn

(b) (6), (b) (7)(C)
AMERICAN FEDERATION OF
TEACHERS - OREGON
7035 SW HAMPTON ST
TIGARD, OR 97223-8313

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

AMERICAN FEDERATION OF TEACHERS –
OREGON

and

Cases 19-CA-84983

UNITED EMPLOYEES GUILD, NATIONAL
COUNCIL OF AFT STAFF UNIONS

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the United Employees Guild, National Council of AFT Staff Unions (the “Union”). It is issued pursuant to § 10(b) of the National Labor Relations Act (the “Act”), 29 U.S.C. § 151, *et seq.*, and § 102.15 of the Rules and Regulations of the National Labor Relations Board (the “Board”), and alleges that American Federation of Teachers – Oregon (“Respondent”) has violated the Act as described below.

1.

(a) The Charge in this proceeding was filed by the Union on July 10, 2012, and a copy was served on Respondent by regular mail on July 11, 2012.

(b) The Amended Charge in this proceeding was filed by the Union on July 17, 2012, and a copy was served on Respondent by regular mail on July 17, 2012.

(c) The Second Amended Charge in this proceeding was filed by the Union on September 26, 2012, and a copy was served on Respondent by regular mail on September 26, 2012.

2.

(a) At all material times, Respondent, a labor organization, has been an unincorporated association with a place of business in Tigard, Oregon (the "facility").

(b) In conducting its operations during the 12-month period ending December 31, 2011, Respondent collected per capita taxes in excess of \$1,000,000 from its affiliates, and purchased and received at its facility goods valued excess of \$50,000, directly from entities located outside the State of Oregon.

(d) At all material times, Respondent has been engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

3.

At all material times, the Union has been a labor organization within the meaning of § 2(5) of the Act.

4.

(a) The following employees of Respondent (the "Unit") constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act:

All non-elected, non-supervisory employees of [Respondent], excluding guards, professionals and supervisors as defined in the Act.

(b) Since at least 1970, and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from October 1, 2010, through September 30, 2013.

5.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act and agents of Respondent within the meaning of § 2(13) of the Act:

(b) (6), (b) (7)(C)

--
--

(b) (6), (b) (7)(C)

6.

(a) About March 28, 2012, in Respondent's library at the facility, the Union requested that Respondent bargain collectively about workload and telework issues.

(b) Since about March 28, 2012, Respondent has failed and refused to bargain collectively about the subjects set forth above in paragraph 6(a).

(c) The subjects set forth above in paragraph 6(a) relate to the wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

7.

About March 28, 2012, Respondent, by (b) (6), (b) (7)(C) in Respondent's library at the facility:

(a) told its employees that they needed to bring workload issues to (b) (6), (b) (7)(C) and not to the Union; and

(b) impliedly threatened its employees that Respondent would change its policy on telecommuting if the Union continued raising work-related issues.

8.

About April 10, 2012, Respondent, by (b) (6), (b) (7)(C) in Respondent's library at the facility:

(a) orally promulgated a rule requiring that its employees bring workload issues to (b) (6), (b) (7)(C) and not to the Union; and

(b) threatened its employees with unspecified reprisals in retaliation for discussing their terms and conditions of employment.

9.

By the conduct described above in paragraphs 7 and 8, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

10.

By the conduct described above in paragraph 6, Respondent has been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees in violation of §§ 8(a)(1) and (5) of the Act.

11.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act

ANSWER REQUIREMENT


Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 7, 2012, or postmarked on or before November 6, 2012.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on the **26th day of February, 2013**, at **9:00 a.m.**, in **ODS Tower, 601 S.W. Second Avenue, Suite 1910, Portland, Oregon**, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Seattle, Washington, this 24th day of October, 2012.



Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD
BEFORE THE NATIONAL LABOR RELATIONS BOARD
IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO
SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

(OVER)

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8 1/2 by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board: No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 19-CA-084983

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

CERTIFIED MAIL

Gene Mechanic, Attorney
Mechanic Law Firm
210 SW Morrison St., Ste. 500
Portland, OR 97204-3149
Cert. 7011 1570 0000 3530 7361

REGULAR MAIL

(b) (6), (b) (7)(C)
American Federation of Teachers - Oregon
7035 SW Hampton St
Tigard, OR 97223-8313

Lane Toensmeier, Attorney
Snyder & Hoag
3759 NE M L King Blvd
Portland, OR 97212-1112

Eben Pullman, Chief Steward
United Employees Guild
7035 SW Hampton St.
Tigard, OR 97223-8313

GENE MECHANIC

Attorney at Law

Of Counsel to

BENNETT, HARTMAN, MORRIS & KAPLAN, LLP

Admitted to practice in Oregon, New York and Florida

210 SW MORRISON STREET, SUITE 500
PORTLAND, OREGON 97204-3149
PHONE: 503-384-2070
FAX: 503-894-5022
gene@mechaniclaw.com

November 6, 2012

Mr. Ronald K. Hooks

Regional Director

National Labor Relations Board, Region 19

915 2nd Avenue, Room 2948

Seattle, WA 98174-1078

Re: American Federation of Teachers - Oregon and
United Employees Guild, National Council of AFT Staff Unions
Case No. 19-CA-84983

Dear Mr. Hooks:

Enclosed for filing please find an original and four copies of American Federation Of Teachers - Oregon's Answer To Complaint And Counterclaim in the above matter.

Very truly yours,



Gene Mechanic

GM (b) (6), (b) (7)(C)

Enclosures (5)

cc: Lane Toensmeier, Attorney
Eben Pullman, Chief Steward
(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

AMERICAN FEDERATION OF
TEACHERS - OREGON,

Respondent,

and

UNITED EMPLOYEES GUILD,
NATIONAL COUNCIL OF AFT
STAFF UNIONS,

Charging Party.

Case No. 19-CA-84983

AMERICAN FEDERATION OF
TEACHERS - OREGON'S
ANSWER TO COMPLAINT AND
COUNTERCLAIM

Comes now Respondent American Federation of Teachers - Oregon by and through its attorney, Gene Mechanic, and for its answer to the Complaint issued on October 24, 2012 in the above captioned matter hereby states as follows:

1. Respondent admits the allegations in Paragraphs 1, 2, 3 and 5 of the Complaint.
2. In response to Paragraph 4 of the Complaint, Respondent denies that Respondent has recognized United Employees Guild, National Council of AFT Staff Unions (the "Charging Party") as the exclusive collective-bargaining representative of the Unit and otherwise denies the allegations contained in Paragraph 4.
3. Respondent denies the allegations in Paragraphs 6, 7, 8, 9, 10 and 11 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

4. Respondent hereby realleges Paragraphs 1 through 3 of its Answer as if fully rewritten herein.

5. The Complaint fails to state any claim upon relief can be granted.

SECOND AFFIRMATIVE DEFENSE

6. Respondent hereby realleges Paragraphs 1 through 3 of its Answer as if fully rewritten herein.

7. The Charging Party has unclean hands and the relief requested should be denied.

THIRD AFFIRMATIVE DEFENSE

8. Respondent hereby realleges Paragraphs 1 to 3 of its Answer as if fully rewritten herein.

9. That the charge and/or the Complaint were not filed and served within the applicable statute of limitations.

FOUTH AFFIRMATIVE DEFENSE

10. Respondent hereby realleges Paragraphs 1 through 3 of its Answer as if fully rewritten herein.

11. This dispute should be deferred to arbitration.

COUNTERCLAIM

12. Respondent hereby realleges Paragraphs 1 through 3 of its Answer as if fully rewritten herein.

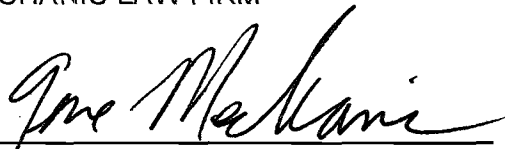
13. This Complaint was and is not substantially justified and lacks a reasonable basis in law and/or fact. Accordingly, pursuant to the Equal Access to Justice Act, 5 USC, § 5094, et al., Respondent is entitled to its attorneys fees and the costs of defending against the Complaint.

WHEREFORE, Respondent respectfully requests the following relief:

1. That the Complaint be dismissed and that the charging party and the NLRB take nothing for this proceeding
2. That Respondent be granted other relief that may be just and proper; and
3. That, pursuant to the Equal Access to Justice Act, 5 USC, § 5094, et al., Respondent be awarded its attorneys fees and the costs of defending against the Complaint.

Dated: November 6, 2012

MECHANIC LAW FIRM

By 
Gene Mechanic, OSB No. 770574
210 SW Morrison Street, Suite 500
Portland, OR 97204-3149
Telephone: (503)384-2070
Fax: (503)894-5022
Email: gene@mechaniclaw.com

Attorney for Respondent
AMERICAN FEDERATION OF TEACHERS -
OREGON



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

November 7, 2012

LANE TOENSMEIER
ATTORNEY SNYDER & HOAG
3759 NE M L KING BLVD
PORTLAND, OR 97212-1112

Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear Mr. Toensmeier:

Your appeal from the Regional Director's partial refusal to issue complaint has been carefully considered. The appeal is denied. The evidence was insufficient to establish that the Employer issued the letter of warning to an employee because of (b) (6), (b) (7)(C) complaints to the Union about work related activity. The evidence establishes that the employee was late for work on two occasions and notified another employee rather than (b) (6), (b) (7)(C) supervisor of (b) (6), (b) (7)(C) late arrival. The evidence also established that the Employer has maintained a policy since at least 1999 requiring employees to report unanticipated tardiness to their supervisor, and that this policy has been enforced at least once on one prior occasion. The investigation did not reveal evidence that other employees arrived late to work under similar circumstances. Accordingly, further proceedings are unwarranted.

Sincerely,

Lafe E. Solomon
Acting General Counsel

By: 

Yvonne T. Dixon, Director
Office of Appeals

cc: RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
915 2ND AVE RM 2948
SEATTLE, WA 98174

(b) (6), (b) (7)(C)
AMERICAN FEDERATION OF
TEACHERS - OREGON
7035 SW HAMPTON ST
TIGARD, OR 97223-8313

EBEN PULLMAN, CHIEF STEWARD
UNITED EMPLOYEES GUILD
70365 SW HAMPTON ST
TIGARD, OR 97223-8313

lmr

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES
SAN FRANCISCO BRANCH OFFICE

AMERICAN FEDERATION OF TEACHERS -
OREGON

Case 19-CA-084983

and

UNITED EMPLOYEES GUILD, NATIONAL
COUNCIL OF AFT STAFF UNIONS

ORDER APPOINTING SETTLEMENT JUDGE

The NLRB Associate Chief Administrative Law Judge in San Francisco, as part of the trial assignment process, has determined that it is desirable to appoint a settlement judge in this case which is now being scheduled for an unfair labor practice hearing.

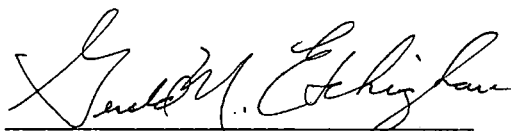
Now, therefore, Judge Gerald Etchingham is hereby appointed as Settlement Judge in this case.

An NLRB Settlement Judge is an Administrative Law Judge who has the duties and powers set forth in the Board's Rules and Regulations Section 102.35(b) respecting settlement judges. A copy of this portion of the Board's Rules is attached hereto.

If the parties all agree to this settlement judge procedure, Judge Etchingham, who will not be the trial judge, acting as a Settlement Judge, will conduct settlement negotiations in the instant case until a date two weeks before the scheduled hearing date when her appointment will expire without any further notice unless further notice is given. Judge Etchingham will soon be in touch with the parties to determine their willingness to engage in this settlement process.¹

SO ORDERED

Dated: February 7, 2013, San Francisco, California.



Gerald M. Etchingham, Associate Chief
Administrative Law Judge

¹ Under Board Rule 102.35(b) no settlement judge shall undertake settlement efforts in a case absent the agreement of all parties to the use of this procedure.

Served by facsimile:

Ann-Marie Skov 206.220.6305

Gene Mechanic 503.894.5022

Lane Toensmeier 503.226.9525

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

American Federation of Teachers - Oregon

Case 19-CA-084983

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICES — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in all locations where the Charged Party customarily posts such Notices at its Tigard, Oregon office. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English, and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to Subregion 36 when it submits the Certification of Posting and provide a password for a password protected intranet site in the event it is necessary to check the electronic posting.

E-MAILING NOTICES - The Charged Party will email a copy of the signed Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, to all employees. The message of the e-mail transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 19 of the National Labor Relations Board in Case 19-CA-084983." The Charged Party will forward a copy of that e-mail, with all of the recipient's e-mail addresses, to the Subregion at subregion36@nrlrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

NON-ADMISSION CLAUSE – By entering into this Settlement Agreement, the Charged Party does not admit that it violated the National Labor Relations Act.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the

Initial _____

undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
 Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the complaint previously issued on October 24, 2012 in the instant case(s). Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaint. The Charged Party understands and agrees that the allegations of the aforementioned complaint will be deemed admitted and its Answer to such complaint will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party AMERICAN FEDERATION OF TEACHERS - OREGON		Charging Party UNITED EMPLOYEES GUILD, NATIONAL COUNCIL OF AFT STAFF UNIONS	
By: Name and Title	Date	By: Name and Title	Date
/s/ Gene Mechanic, Attorney	2/19/13	/s/ Eben Pullman, Chief Steward	2/21/13

Recommended By:	Date	Approved By:	Date
/s/ Ann Marie Skov Ann Marie Skov, Field Attorney	2/21/13	/s/ Ronald K. Hooks Ronald K. Hooks, Regional Director, Region 19	2/22/13



NOTICE TO EMPLOYEES



**POSTED PURSUANT TO A SETTLEMENT AGREEMENT
APPROVED BY A REGIONAL DIRECTOR OF THE
NATIONAL LABOR RELATIONS BOARD
AN AGENCY OF THE UNITED STATES GOVERNMENT**

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to bargain in good faith, upon request, about workload issues or the impact of telecommuting on workload, with United Employees Guild (the "Union") as the exclusive collective-bargaining representative of our non-elected and non-supervisory employees.

WE WILL NOT stop you from raising terms and conditions of employment, such as workload concerns, directly with the Union.

WE WILL NOT tell you that you must speak only to management about workload issues or concerns.

WE WILL NOT threaten you with the loss of telecommuting opportunities or other adverse consequences if you raise workload issues through the Union or discuss workload issues with your coworkers.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL respect your right to bring work related concerns to the attention of the Union and we will bargain in good faith with the Union about those issues raised on your behalf.

WE WILL respect your right to discuss terms and conditions of employment with other employees.

AMERICAN FEDERATION OF TEACHERS - OREGON
(Employer)

Dated: 2/28/13

By: _____

(b) (6), (b) (7)(C)

Case 19-CA-084983

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (866) 667-NLRB (6572).

601 SW Second Ave, Ste 1910, Portland OR 97204
Telephone 503.326.3085 Toll Free 1-866-667-6572

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER,

CERTIFICATION OF POSTING

RE: American Federation of Teachers - Oregon
Case 19-CA-084983

1. Physical Posting

The Notice to Employees in the above matter was posted on (date) 2/28/2013
at the following locations: (List specific places of posting)

BULLETIN BOARD IN EMPLOYEE BREAK ROOM

2. Intranet Posting

The Notice to Employees in the above matter was posted on the Employer's Intranet/Website on
(date)_____. A copy of the intranet/website posting is attached.

3. Electronic Distribution

The Notice to Employees in the above captioned matter was also distributed electronically on
(date)_____ by the following means. (State means of distribution and
attach proof.)

CHARGED PARTY/RESPONDENT

By: _____
Title: _____
Date: 2/28/13

This form should be returned to the Regional Office, together with **ONE** original Notice, dated and signed in the same manner as those posted.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
601 SW 2ND AVE
STE 1910
PORTLAND, OR 97204-3170

Agency Website: www.nlrb.gov
Telephone: (503)326-3085
Fax: (503)326-5387

May 16, 2013

Gene Mechanic, Attorney
Mechanic Law Firm
210 SW Morrison St., Ste. 500
Portland, OR 97204-3149


Re: American Federation of Teachers - Oregon
Case 19-CA-084983

Dear Mr. Mechanic:

The above-captioned case has been closed on compliance. However, this Office may institute further proceedings if subsequent violations occur.

Very truly yours,

RONALD K. HOOKS
Regional Director

By: 
LINDA L. DAVIDSON
Officer in Charge

cc: (b) (6), (b) (7)(C)
AFT - Oregon
7035 SW Hampton St.
Tigard, OR 97223-8313

Eben Pullman, Chief Steward
United Employees Guild, National
Council of AFT Staff Unions
7035 SW Hampton St.
Tigard, OR 97223-8313

Lane Toensmeier, Attorney
Snyder & Hoag
3759 NE M L King Blvd.
Portland, OR 97212-1112